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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,408	09/26/2001	Ludo Adriaensen	016782-0235	1783

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EXAMINER

SALVATORE, LYNDIA

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/890,408

Applicant(s)

ADRIAENSEN ET AL.

Examiner

Lynda M. Salvatore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,12 and 21-40 is/are pending in the application.
- 4a) Of the above claim(s) 21-40 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12 is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's request for continuing examination (RCE), amendment and accompanying remarks filed 9/26/05 have been fully considered and entered. Claims 2-11 and 13-20 have been canceled and new claims 21-40 have been added as requested. Applicant's amendment to claim 12 is found allowable over the prior art of record for reasons previously set forth in section 8 of the Final Office Action dated 6/6/2005. Applicant's cancellation of claims 2-11 and 13-20 renders moot the corresponding prior art rejections set forth in sections 4-7 of the Final Office Action dated 6/6/05. Applicant's amendments made to claim 1 however, are not found patently distinguishable over the prior art made of record and Applicant's arguments are not found persuasive of patentability for reasons set forth herein below.

Election/Restrictions

2. Newly submitted claims 21-40 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claims 21-40 are method claims.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 21-40 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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4. Claim 1 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Adriaensen et al., WO 98/55682 in view of Zeng et al., US 5,807,430 for reasons set forth in section 4 of the Final Office Action dated 6/6/05.

Applicant amended claim 1 to recite the limitation of a canvass, wherein the canvass is coated with a plastic coating and a strip. Applicant further amended claim 1 to recite wherein the strip is welded to the canvass such that the thermoplastic material adheres to the plastic coating of the canvass. Applicant argues a lack of motivation to combine references on the grounds that the primary reference of Adriaensen et al., teach away from using wires. Applicant further argues that cited references do not teach the limitation of welding a strip as claimed to a plastic coated canvass. These arguments are not found persuasive.

With respect to the newly added claim limitations and Applicant's assertion that Adriaensen et al., does not teach said limitations, the Examiner respectfully points out that Adriaensen et al., clearly teaches a plastic coated canvass and strips which are heat welded to the canvass (Abstract, page 5, 5, page 6, 18-25 and page 9, 1-15).

With regard to Applicant's argument that Adriaensen et al., teach away from using wire to form the reinforcement strips, the Examiner maintains the previously set forth arguments. To reiterate, Adriaensen et al., discloses that less expensive wires do not adhere well to the thermoplastic matrix material. Thus, though the copper or steel wires are not necessarily preferred over steel cords, it is the position of the Examiner that it would be improper to ignore such a disclosure. Furthermore, the Examiner maintains that one of ordinary skill in the art would be motivated to look to the prior art to find ways to increase the bond strength between less expensive substrate materials (i.e., wires) and matrix material to produce a more cost

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effective reinforcement canvass. In addition, Adriaensen et al., exemplifies single metal wires such as round steel or a flat steel wire as suitable reinforcements (page 8, 10-15). To that end, the patent issued to Zeng et al., teaches treating metal surfaces prior to bonding with other materials such as rubber, polymers, sealants or coatings for the purpose of enhancing the strength of the bond and to provide prolong useful life in corrosive environments (Column 2, 46-50). Zeng et al., specifically teaches treating the metal surface with a compound comprising organoalkoxysilane having silane coupling functional groups (Column 2, 54-60).

Therefore, motivated by the desire to facilitate the adhesion between the metal member and the thermoplastic matrix material it would have been obvious to one having ordinary skill in the art at the time the invention was made to coat the metal members of Adriaensen et al., with the organoalkoxysilane compound taught by Zeng et al.

Thus, given the disclosure that wires of Adriaensen et al., are suitable reinforcements, less expensive, and only suffer the drawback of not adhering well to the thermoplastic matrix material, the Examiner maintains that sufficient motivation exists to combine references to form the obviousness rejection above. It is the position that the rejection based on the combination or references is proper and renders the instant invention obvious.

5. Claim 1 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Adriaensen et al., WO 98/55682 in view of Czerwinski, US 4,308,365 for reasons set forth in section 5 of the Final Office Action dated 6/6/05.

The arguments made above with respect to the primary reference of Adriaensen et al., are equally applied in the combination rejection set forth above. To that end, the patent issued to Czerwinski teaches a reactive adhesive used to bond rubber to metal (Abstract). Czerwinski

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teaches that the adhesive provides environmental, weather, ultraviolet, chemical and thermal resistance properties (Abstract). Czerwinski teaches the adhesive may be applied as hot melt coating (Column 2, 50-55). Czerwinski teaches the adhesive comprises copolymers of ethylene (Column 3, 5-15).

Therefore, motivated by the desire to facilitate the adhesion between the metal member and the thermoplastic matrix material it would have been obvious to one having ordinary skill in the art at the time the invention was made to coat the metal members of Adriaensen et al., with the reactive adhesive compound taught by Czerwinski.

Thus, given the disclosure that wires of Adriaensen et al., are suitable reinforcements, less expensive, and only suffer the drawback of not adhering well to the thermoplastic matrix material, the Examiner maintains that sufficient motivation exists to combine references to form the obviousness rejection above. It is the position that the rejection based on the combination or references is proper and renders the instant invention obvious.

6. Claim 1 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Adriaensen et al., WO 98/55682 in view of Daisel LTD, JP 52126465A for reasons set forth in section 6 of the Final Office Action dated 6/6/05.

The arguments made above with respect to the primary reference of Adriaensen et al., are equally applied in the combination rejection set forth above. To that end, the Japanese patent abstract to Daisel LTD teaches coating a metal with a primer containing organic solvent, curing the primer, and then extruding the thermoplastic resin. Suitable primer materials include polyvinylchloride (PVC), epoxy-phenol or polybutadiene dissolved in organic solvent (Abstract).

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Therefore, motivated by the desire to facilitate the adhesion between the metal member and the thermoplastic matrix material it would have been obvious to one having ordinary skill in the art at the time the invention was made to coat the metal members of in the Adriaensen et al., with the epoxy-phenol primer material taught by Daisel LTD.

Thus, given the disclosure that wires of Adriaensen et al., are suitable reinforcements, less expensive, and only suffer the drawback of not adhering well to the thermoplastic matrix material, the Examiner maintains that sufficient motivation exists to combine references to form the obviousness rejection above. It is the position that the rejection based on the combination of references is proper and renders the instant invention obvious.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda M. Salvatore whose telephone number is 571-272-1482.

The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

November 13, 2005

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